

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**TERRY HARRIS, DOROTHY  
WATFORD, ET AL.,**

**Plaintiffs,**

**VS.**

**CASE NO.: 2:05CV1083-MEF**

**JOSEPH BORG,**

**Defendant.**

**DEFENDANT’S FILING IN SUPPORT OF HIS  
MOTION TO DISMISS CLASS ACTION CLAIMS**

The Court ordered the plaintiffs to submit their brief and evidentiary materials to support their class action claims on or before September 1, 2006. Defendant has received neither and assumes none has been filed.

WHEREFORE, the Defendant asks the Court to dismiss all class action claims and allegations.

**s/Bruce J. Downey, III**

**BRUCE J. DOWNEY, III**

**ASB-9205-W86B**

**Attorney for Defendant Joseph P. Borg**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 6<sup>th</sup> day of September, 2006, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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**s/Bruce J. Downey, III**  
OF COUNSEL